



On appeal, the appellant requests a reclassification to the titles of Water Repairer 3, General Supervisor, or Water Superintendent. It is noted that there is no base title of General Supervisor, but that this title has many variants. As such, it is assumed and that the appellant is referring to General Supervisor, Public Works.

The appellant explains that he possesses a W3 distribution license, and that to qualify for the examination for this license the needed six years of experience, three years of “direct responsible charge,” and the signature of a supervisor who possessed a valid W4 distribution license. He claims that possession of this license indicates that he has supervisory responsibility and assigns work, and that he performs work without supervisory oversight. The appellant provides samples of work assignments and other work-related documents, including those pertaining to the training he provides. The appellant maintains that no other Water Repairer 2 performs such training which includes NJDEP water testing and sampling and vital work information. He states that he works independently providing cost estimates for work, scheduling meetings with officials, and composing fiscal year contracts. The appellant states that he has direct responsibility and supervision of multiple crews, and that he performs out-of-title work such as writing Requests for Proposals, reviewing and correcting proposed water utility projects, training other water utility personnel in the same and higher titles, paralegal research, and providing oversight of general supervisors, engineers, and foremen. He states that he is not supervised on worksites, and his supervisor does not solve any issues on his assignments.

The appellant argues that his supervisor provided incorrect, incomplete and un-factual information, and that his supervisor had been in the position for four months prior to the appellant filing for a classification review. He maintains that his supervisor did not properly forward his PCQ in a timely manner. Next, the appellant takes umbrage with the findings of facts in Agency Services’ determination, claiming that the duties do not expand on the entire process that he performs, and he provides extensive detail and information regarding each listed duty. He states that he takes the lead on all of his projects, including assigning work to contracted crews, and he supervises and directs public works crews as well. He states that he has trained the General Supervisor, Public Works and a Water Repairer 2 on aspects of his work. He states that it is rare that he does not take the lead, supervise, oversee or direct others on his projects and assignments. He states that, for the past ten years, he unilaterally plans his work and implements a course of action, without assistance or guidance.

## CONCLUSION

*N.J.A.C.* 4A:3-3.9(e) states that in classification appeals the appellant shall provide copies of all materials submitted, the determination received from the lower

level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

At the outset, as the position does not supervise, it is clearly not properly classified as General Supervisor, Public Works or Water Superintendent. As such, the title under consideration is Water Repairer 3.

The definition section of the job specification for Water Repairer 2 states:

Under direction, performs the more difficult and responsible work involved in the installation, maintenance, and repair of water mains, valves, pumps, hydrants, pipes, and other water service equipment and/or performs routine, repetitive, and noncomplex field and office work involved in recording and disseminating data concerning the water distribution system; does other related duties.

The definition section of the job specification for Water Repairer 3 states:

Assists in supervising and functions as a lead worker over a group of employees engaged in the installation, maintenance, and repair of pipes, valves, pumps, hydrants, and other water service equipment; does other related duties as required.

Water Repairer 3 is a lead worker title. An incumbent in a leadership role refers to persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or lower level than themselves and perform the same kind of work as that performed by the group being led. *See In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005). Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Acting as a representative or being the most knowledgeable in an area does not define a position as a lead worker. Being a lead worker involves mentoring others in work of the title series.

Next, as noted above, information which was not presented at the prior level of appeal shall not be considered. It is noted that the appellant's PCQ included the oversight of the work of others, referred to as Trenton Water Works crews, or Water Utility personnel, associated with 60% of his duties, although he did not specifically name them. On the organizational chart submitted to Agency Services, a Water Repairer 2, a Water Repairer 3, and three vacancies are listed as reporting to the

appellant. It is noted that the PCQ was dated by the appellant as November 13, 2020, it was received by Agency Services on February 26, 2021, and Agency Services' determination is dated July 12, 2021. With regard to this timeline, the appellant explains that he was training and reviewing the work of a Water Repairer 2 who was then promoted to General Supervisor Water in March 2021. He also trains and reviews the work of the Water Repairer 2 who reports to him, and he instructs an Environmental Engineer 2 in the work performed by the Water Repairers. Agency Services acknowledged that the appellant reviews the work of others, but it found that the appellant was not assigning work. A holistic view of the appellant's PCQ and appeal submission indicates that the appellant has contact with other employees in an advisory position. He mentors another Water Repairer 2, and teaches his work to other employees on a regular and recurring basis. While he does not assign anyone to a project or work site, when at the worksite he is in charge of the assignment and directs personnel accordingly. It is noted that the appellant's W3 distribution license has no bearing on this determination. Other agencies may not use the same criteria as the Civil Service Commission in making determinations, and the duties of the position determine the classification of a position, not the incumbent's credentials. Based on the above, the duties of the position warrants classification of the position as Water Repairer 3.

Lastly, the appellant has provided a sufficient basis to substantiate that there was an undue administrative delay in the processing of the request for reclassification. The submitted PCQ was signed by the appellant on November 13, 2020 and signed and submitted by the appointing authority on February 26, 2021. A page was added with the supervisor's comments and was dated March 3, 2021, after Agency Services' receipt of the appeal. *N.J.A.C. 4A:3-3.9(d)* states, in pertinent part, that if the petitioner's supervisor has not signed the questionnaire within 15 working days of receipt of the questionnaire from the petitioner, the petitioner may forward the questionnaire to the appropriate representative of the Commission without the supervisor's signature but with a notation of the date of presentation to the supervisor. The appellant states that he submitted his PCQ on October 22, 2020 and was never informed that it was not processed. It is unclear how he arrived at that date, as it was dated by him as November 13, 2020. The appellant states that he was told that it was misplaced by "City Hall" on January 25, 2021, and he requested it be returned to him. In any event, since there is no indication in the record that the appellant was not performing Water Repairer 3 duties from January 25, 2021 forward, for the purpose of establishing an effective date, this can be considered to be the date that the appellant would have submitted his PCQ to the Civil Service Commission had he known to do so. Therefore, this action should have a retroactive effective date of January 25, 2021.

Accordingly, a thorough review of the entire record indicates that John Cardaciotto has presented a sufficient basis to warrant a Water Repairer 3 classification of his position.

**ORDER**

Therefore, this appeal is granted, and it is ordered that the position of John Cardaciotto be classified as Water Repairer 3, effective January 25, 2021.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 27<sup>TH</sup> DAY OF OCTOBER, 2021



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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: John Cardaciotto  
Adam Cruz  
Division of Agency Services  
Records Center